



The Competitive Carriers Association

Rural Cellular Association

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August 20, 2012

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: WT Docket No. 12-69
RM-11592**

Dear Ms. Dortch:

On August 16, 2012, Steven Berry, Tim Donovan and I met with Commissioner Pai and Courtney Reinhard, Legal Advisor to the Commissioner, to discuss the Commission's Interoperability Notice of Proposed Rulemaking (NPRM).¹ Despite extensive RCA member efforts to deploy on the Lower 700 MHz A Block spectrum, the lack of interoperability in the Lower 700 MHz band remains an intractable problem. The record in this proceeding proves that a single band class, Band Class 12, would not cause harmful interference to Lower 700 MHz B and C block licensees² and that an interoperability requirement is necessary to obtain affordable advanced mobile devices to deploy service to consumers in smaller, regional, and rural service areas.³

As a result of continued non-interoperability in the Lower 700 MHz band, Lower 700 MHz licensees are left without access to interoperable devices and network equipment, which has significantly hindered RCA members in planning for, securing financing for, and purchasing the necessary equipment and infrastructure for building out the Lower A Block spectrum in their geographic areas. With the interim build-out deadline less than a year away, RCA encouraged the FCC to grant RCA's limited build-out extension request.

RCA also urged prompt action on its petition requesting the Commission to adopt appropriate conditions in the event it grants AT&T's proposed acquisition of 700 MHz spectrum from Triad 700, LLC, and to consolidate this proceeding with AT&T's pending applications that seek approval for additional spectrum acquisitions. In light of the substantial spectrum aggregation and spectrum scarcity concerns that already are impeding competition in the wireless marketplace and the exacerbating effects of AT&T's latest proposed acquisitions,⁴ particularly with respect to the lack of interoperability in the

¹ Promoting Interoperability in the 700 MHz Commercial Spectrum, Notice of Proposed Rulemaking, WT Docket No. 12-69 (rel. Mar. 21, 2012) ("*Interoperability NPRM*").

² *Interoperability NPRM* ¶ 30.

³ *Interoperability NPRM* ¶ 21.

⁴ Viewed individually, AT&T's transactions seem like relatively narrow transactions. But AT&T's twenty-four assignment or transfer transactions in the last four months alone increase AT&T's population-weighted national average of 700 MHz spectrum and AWS reflecting aggregate scale large enough to impact national averages. For example, if WCS spectrum, which is currently excluded from the

Lower 700 MHz spectrum,⁵ the Commission should comprehensively examine all pending and future transfer or assignment applications in which AT&T seeks to acquire additional spectrum consistent with its handling of Verizon Wireless's pending efforts to acquire additional spectrum.⁶

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Sincerely,

/s/

Rebecca Murphy Thompson
General Counsel

cc (via email): Commissioner Ajit Pai
Ms. Courtney Reinhard

Commission's spectrum screen, also is included, AT&T's twenty-four proposed transactions alone represent a net, nationwide, population-weighted addition of 17 MHz.

⁵ See Comments of RCA – The Competitive Carriers Association, *Promoting Interoperability in the 700 MHz Commercial Spectrum*, WT Docket No. 12-69 (filed June 1, 2012).

⁶ See *Wireless Telecommunications Bureau Consolidates Review of Verizon Wireless – SpectrumCo – Cox, Verizon Wireless – Leap Wireless, and T-Mobile – Verizon Wireless Transactions*, Public Notice, DA 12-1266 (rel. Aug. 3, 2012).